



19-O-00792

Dear [REDACTED]

Thank you for your email of 8 May 2019 requesting the following under the Official Information Act 1982 (the Act):

*all advice and communications on the drafting of [clause 10] of the Climate Change Response (Zero Carbon) Amendment Bill. I'm particularly interested in seeing the justification for the amendment and the circumstances in which it is believed it might apply.*

*As I doubt there is a formal document on this, I expect this request will have to look at emails.*

Clause 10 of the Climate Change Response (Zero Carbon) Amendment Bill requires the Commission to keep information confidential and allows otherwise confidential information to be disclosed to the Commission. The intent of the Government was that, for the purpose of accessing relevant information under the CCRA, the Commission should be treated as though it were an administering agency and be subject to equivalent obligations of confidentiality.

This provision may be relevant for the Commission in providing advice about the settings of the New Zealand Emissions Trading Scheme (NZ ETS). Cabinet has agreed that this will be a regular function of the Commission. It will be brought into operation by proposed legislative changes to improve the scheme.

There have been two documents identified in scope of your request, as listed in the attached table. As the information in those documents is now publicly available, I am refusing your request under section 18(d) of the Act (for the reason that the information is or soon will be publicly available). References and links to the relevant information can be found in the table.

The Climate Change Response (Zero Carbon) Amendment Bill is currently before Parliament, and the Environment select committee has called for submissions. Anyone with an interest in the content of the Bill is encouraged to share their thoughts with the select committee. You can find out more or make a submission at the Parliament website <https://www.parliament.nz/en/pb/sc/make-a-submission/>.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).



Please contact my office if you have any queries about this response.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'James Shaw', with a large loop at the top and a horizontal line at the bottom.

**Hon James Shaw**  
Minister for Climate Change

## List of documents

Titles and numbering are given as they appear in the final versions of documents.

Docu ment no.	Document date	Content	Decisions	OIA sections applied
1	17 August 2018 through 17 December 2018	Draft versions of Cabinet paper: Proposed Climate Change Bill:  paragraphs 179-181; 241  recommendations 112- 113	Refused	18(d)  This document has been, or soon will be, proactively released on the Ministry for the Environment's website <a href="https://www.mfe.govt.nz/briefings-search">https://www.mfe.govt.nz/briefings-search</a>
2	6 March 2019 through 3 May 2019	Draft versions of bill: Climate Change Response (Zero Carbon) Amendment Bill:  clause 10;  clause-by-clause analysis (clause 10)	Refused	18(d)  The Bill is available on the New Zealand Legislation website <a href="http://legislation.govt.nz/bill/government/2019/0136/latest/LMS183736.html?src=qs">http://legislation.govt.nz/bill/government/2019/0136/latest/LMS183736.html?src=qs</a>